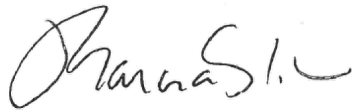


Approved: 

 Marcia S. Cohen
 Assistant United States Attorney

Before: HONORABLE LISA MARGARET SMITH
 United States Magistrate Judge
 Southern District of New York

- - - - -	- x	<u>COMPLAINT</u>
	:	
UNITED STATES OF AMERICA	:	Violation of
	:	18 U.S.C. §
-v.-	:	2252A(a)(2)(B)
	:	and (b)(1)
FRANCIS HUGHES,	:	
Defendant.	:	County of Offense:
- - - - -	- x	Westchester County

SOUTHERN DISTRICT OF NEW YORK, ss.: **20 MJ 7924**

Pao Mei Fisher, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

1. On or about February 16, 2020, in the Southern District of New York and elsewhere, FRANCIS HUGHES, the defendant, knowingly received and distributed material containing child pornography that had been mailed, and using means and facilities of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, HUGHES received images of child pornography via text from a 15-year-old minor in Westchester, New York, with whom HUGHES was engaging in sexually explicit text communications.

(Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1).)

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the FBI Westchester Resident Agency. I have been a Special Agent with the FBI since January 2017. I have participated in investigations involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

3. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. On or about April 29, 2020, the Honorable Judith C. McCarthy, United States Magistrate Judge, Southern District of New York, authorized a search of a residence in Elmsford, New York ("Residence-1") for evidence of child pornography. On April 30, 2020, I and other agents executed the search of Residence-1. Among the items recovered was a black Samsung Galaxy Note 9 with telephone number ending in "3469" ("Phone-1").

5. On or about May 1, 2020, I interviewed a 15-year-old male minor ("Minor-1") who lives in Residence-1. Minor-1 turned 16 in June 2020. Among other things, Minor-1 advised me, in sum and substance, of the following:

a. Phone-1 was his phone and he had sole use of the device. On numerous occasions beginning in or about the summer of 2019, Minor-1 sent naked photos, including photos of his penis, to adult males over social platforms.

b. While using the social media application known as Grindr ("Grindr"), Minor-1 communicated with a male ("Male-1") on Grindr and then through text messaging. For the text messaging with Male-1, Minor-1 used Phone-1 and Male-1 used a phone number ending in 8991 ("8991-Phone"). Male-1 told Minor-1 that he was a part-time college professor and a counselor. Male-1 sent Minor-1 a photo of his penis and at least two photos of his face and body. Minor-1 described Male-1 as an old man. Minor-1 sent

at least one photo of Minor-1's penis to Male-1 and the two discussed meeting to engage in sexual acts, including Minor-1 having his first "blow job."

6. The FBI conducted a forensic analysis of Phone-1. I have reviewed the results of that analysis. The analysis revealed numerous text messages exchanged between Phone-1 and the 8991-Phone on February 16, 2020. Among the texts exchanged are the following:

a. At approximately 5:37 p.m., Phone-1 texted the 8991-Phone, "Hey." The 8991-Phone replied, "Hi [name]." Phone-1 said, "Hey." The 8991-Phone asked, "Sup?" Phone-1 responded, "Nothing much" and "You?" The 8991-Phone said, "Just getting some paperwork done."

b. At 6:19 p.m., the 8991-Phone asked, "Who you live with? Parents? Bros? Sisters?" Phone-1 responded, "Parents." The 8991-Phone asked, "No sibs?" Phone-1 responded, "Sister but she's moved out." The 8991-Phone said, "You like being the only son?" and "You're in charge, lol." Phone-1 replied, "Yeah lol." Phone-1 asked, "What do you even work as." The 8991-Phone asked, "What hobbies you enjoy? Phone-1 responded, "Video games and stuff." The 8991-Phone said, "I'm still a part time college prof as well as a counselor." Phone-1 responded, "Cool." The 8991-Phone asked, "Play any sports?" Phone-1 responded, "Soccer."

c. At 6:24 p.m., Phone-1 asked, "Would you get mad if I sent a dick pic?" The 8991-Phone said, "Nice." The 8991-Phone said, "And how's school? You doing ok?" Phone-1 responded, "School is good." At 6:25 p.m., the 8991-Phone said, "Nk, I'd never get mad about that." At 6:25 p.m., Phone-1 transmitted a photo ("Photo-1"). Photo-1 is a photo of a male penis that appears to be semi-erect. Phone-1 said, "It's not hard in that pic." Phone-1 then transmitted another photo ("Photo-2"). Photo-2 is another photo of a male penis. Phone-1 said, "Or in this one." The 8991-Phone said, "That's fine. Looks nice" and "Mmmm I see you're uncut, huh?" Phone-1 asked, "Oh yeah what did you mean by you wanting to treat me like your son/grandson" and "Yeah I am lol."

d. At 6:26 p.m., the 8991-Phone said, "Mine's cut." Phone-1 asked, "Can I see?" At 6:27 p.m., the 8991-Phone transmitted a photo ("Photo-3"). Photo-3 is a photo of an erect penis with a male's left hand holding the penis. Phone-1 said, "Nice." The 8991-Phone asked, "Ever seen another guy's dick?" Phone-1 responded, "Yeah." The 8991-Phone asked, "I mean in real

life?" Phone-1 said, "Nah" and "Just pictures." The 8991-Phone said, "I'm sure you've seen plenty of porn, lol." Phone-1 responded, "I have."

e. At 6:29 p.m., the 8991-Phone asked, "And must jerk off a lot, huh?" Phone-1 responded, "I jerk off so much ☺." The 8991-Phone responded, "Lol. That's normal for a boy your age." The 8991-Phone asked, "Cum a lot?" Phone-1 replied, "I guess" and "It's a lot to clean up." Phone-1 asked, "What are you doing tonight?" The 8991-Phone said, "Just have to make sure you clean up and not let your mom find it." Phone-1 replied, "Yeah." The 8991-Phone said, "Lol. Still finishing some work. Then I'll prolly watch some tv." Phone-1 said, "I wanna jerk off with you through the grindr video call thing." The 8991-Phone said, "Yeah? Well maybe later we can." Phone-1 said, "Don't fall asleep," and "Because we might have to do it late at night." The 8991-Phone said, "Oo. No problem."

f. At 6:34 p.m., Phone-1 said, "I'm so horny right now." The 8991-Phone responded, "Lol. Good." Phone-1 asked, "Do you think you can come meet me tomorrow?" The 8991-Phone said, "How many times you jerk off a day?" Phone-1 responded, "Like 5 or 6." The 8991-Phone told Phone-1, "Can't tomorrow. Work." The 8991-Phone said, "Wow, that's actually a lot" and asked, "You use lube or dry?" Phone-1 said, "Both." The 8991-Phone said, "If you do it too much you could irritate the skin." Phone-1 said, "I dont do it that hard." The 8991-Phone said, "But I get it. Its one of the great things about being a boy. You get to relieve your horniness whenever you want."

g. At 6:39 p.m. the 8991-Phone transmitted a photo ("Photo-4") to Phone-1. Photo-4 is a photo of a clothed adult male from the chest up. The male has white hair and glasses. Phone-1 responded, "I love you." The 8991-Phone said, "Awwwww." At 6:40 p.m., the 8991-Phone transmitted another photo ("Photo-4") to Phone-1. Photo-5 depicts a clothed male with white hair and glasses. Photo-5 appears to be a "selfie" -- the male is facing a mirror holding a phone and appears to be taking the picture with the phone. Photo-5 captures the male from his knees up. Phone-1 responded, "You're so sexy." The 8991-Phone said, "I bet you are too." Phone-1 said, "I want you to spoil me." The 8991-Phone said, "We can work on that." Phone-1 asked, "What do you mean?" The 8991-Phone said, "I mean when we meet we can try to make it a regular thing." The 8991-Phone asked, "How would you like to be spoiled by your grandpa?" Phone-1 said, "Wait I think you're thinking of a different meaning of spoiling." The 8991-Phone said, "Ok so tell how you mean it" and "Lol." Phone-1

said, "I mean like money wise." The 8991-Phone said, "Ok." And "Maybe I could." Phone-1 said, "Awesome."

h. At 6:46 p.m., the 8991-Phone said, "That makes me your sugar daddy." Phone-1 asked, "Are you fine with that?" The 8991-Phone said, "And you're the sugar baby, lol." The 8991-Phone said, "Well, depends on how much. I don't think I could actually support you." Phone-1 said, "Im not gonna ask for hundreds of dollars lol" and "Just like enough to get some games or something." The 8991-Phone said, "But I wouldn't mind giving you something now and then." The 8991-Phone asked, "And what if your parents want to kn now how you get the games or something." Phone-1 replied, "Don't worry I got a way to do it." The 8991-Phone asked, "Lol yeah? How?" The 8991-Phone, "Why not send me your face pic now babe." Phone-1 replied, "I just have a different account where I can buy the games." Phone-1 asked, "What's in it for me??" The 8991-Phone said, "Idk" and "Lol." Phone-1 asked, "How about a little bit of sugar." The 8991-Phone said, "Btw, to protect us, you should be sure to delete our chats when we are done." Phone-1 said, "Yeah definitely." The 8991-Phone said, "Ok come get your sugar baby." Phone-1 asked, "How much sugar we talking about." The 8991-Phone said, "What do you want?" Phone-1 said, "To be honest idk." The 8991-Phone said, "It's ok. These are things we can talk about when we meet." Phone-1 asked, "Do you have like PayPal or something" and "Or like a credit card."

i. At 6:55 p.m., the 8991-Phone said, "For now my phone is dying. I need to charge it." Phone-1 said, "Oh ok." The 8991-Phone said, "Let talk later." Phone-1 said, "OK baby" and "I love you so much." The 8991-Phone said, "But remember to delete. I will too." The 8991-Phone said, "I'll make it worth your time. And love." Phone-1 said, "One last pic before you go" and transmitted a photo ("Photo-6"). Photo-6 is a photo of a non-erect penis. The 8991-Phone responded, "Yummmmm I will suck you so much" and "Make you cum." The 8991-Phone added, "Your first blowjob." Phone-1 said, "I want to do it tomorrow." At 6:58 p.m., the 8991-Phone replied, "We'll see."

j. At 9:17 p.m., Phone-1 texted, "My grindr account got banned." The 8991-Phone does not reply. At 9:45 p.m., Phone-1 said, "Baby?" At 10:06 p.m., Phone-1 texted, "Helloooooo?" At 10:31 p.m., Phone-1 texted, "?????" Thereafter, Phone-1 texted the 8991-Phone repeatedly but the 8991-Phone did not reply.

7. I have reviewed AT&T records relating to the 8991-Phone. These records reveal that the subscriber of the 8991-

Phone is "Francis J. Hughes" with an address in Glendale, New York ("Address-1") and that "Francis J. Hughes" has been the subscriber of the 8991-Phone since January 4, 2007.

8. I have reviewed the website for a religious institution in Glendale, New York ("Website-1"). Website-1 indicates that the address of the institution is Address-1. The website contains a list of staff and includes photos for some of the staff members. The first individual listed is "Rev. Francis J. Hughes, Pastor" and there is a photograph next to the name. Based on my review of Photo-4 and Photo-5, I recognize the person depicted in Photo-4 and Photo-5 to be the person identified on the website as "Rev. Francis J. Hughes, Pastor." I have reviewed New York Department of Motor Vehicle ("DMV") records for a "Francis Hughes" with a birthdate in 1954 who resides at Address-1. The DMV records include a photograph of "Francis Hughes." Based on my comparison of the DMV photo with the photo on Website-1 and Photo-4 and Photo-5, I believe all of the photos depict the same individual, FRANCIS HUGHES, the defendant.

9. On or about May 6, 2020, Minor-1 was interviewed by a forensic interviewer. I watched the interview as it occurred. During the interview, among other things, Minor-1 was shown various text messages between Phone-1 and the 8991-Phone and he stated that he had sent the text messages from Phone-1. He stated that the messages from the 8991-Phone were from Male-1. During the interview, Minor-1 was shown Photo-6 and identified it as a photo that he took of himself and transmitted to Male-1. Minor-1 was also shown Photo-4 and identified it as a photo of Male-1, the individual with whom he communicated on Grindr and then through text messaging.

10. On or about July 24, 2020, I interviewed Minor-1. He advised me, among other things, that during his communications with Male-1 on Grindr, he told Male-1 that he was 15-years-old. Minor-1 also confirmed that the photos he sent to Male-1 on Grindr and through the text messages to the 8991-Phone were photos that Minor-1 took of himself.

11. On or about July 27, 2020, the Honorable Robert M. Levy, United States Magistrate Judge, Eastern District of New York, authorized a search of Address-1 for evidence of child pornography.

12. On July 29, 2020, I and other law enforcement officers executed the search warrant and seized a number of items. FRANCIS HUGHES, the defendant, was present at Address-1 when we

arrived to execute the search warrant. Among the items seized was a Samsung phone ("Phone-2"), which was on HUGHES' person when we arrived. HUGHES identified Phone-2 as his phone and advised that the phone number ended in "8991" and that he was the only person who used Phone-2 and the only person with access to it. HUGHES was provided with the chats between Phone-1 and the "8991-Phone" and identified himself as the person sending the messages from the "8991-Phone." HUGHES was shown Photo-1, Photo-2 and Photo-6 and acknowledged receiving them. HUGHES was shown Photo-3, Photo-4, and Photo-5 and acknowledged sending them. HUGHES initially stated that he did not have a specific memory of the age of the person on Phone-1 with whom he was texting. HUGHES was given an opportunity to read the messages and, after reading them, stated that he had believed that the "boy" with whom he was messaging was a minor. HUGHES also stated that he had engaged in at least one in-person sexual encounter with an individual he believed to be approximately 15-years-old and that the encounter had occurred at a high school HUGHES identified ("School-1"). I am aware that School-1 is located in Queens, New York. HUGHES also stated that he had, on numerous occasions, attempted to meet with minors for sexual encounters.

WHEREFORE, deponent prays that the above-named defendant be arrested and imprisoned or bailed as the case may be.

/s/ Pao Mei Fisher, signature placed by MJ Lisa Margaret Smith with permission of the Special Agent, who is known to Judge Smith from prior matters _____

PAO MEI FISHER

Special Agent

Federal Bureau of Investigation

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 29th day of July, 2020



specifically via FaceTime

=
Honorable Lisa Margaret Smith
United States Magistrate Judge